



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 4609-98

26 October 1999

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 SER N130G/174-99 of 30 September 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
7220
Ser N130G/174-99
30 SEP 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-OOXCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO FMR MBR
[REDACTED]

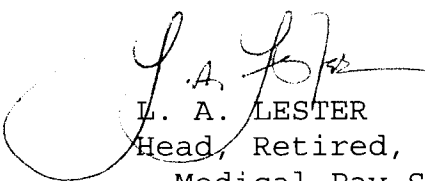
Ref: (a) CNO 241304Z Oct 97

Encl: (1) BCNR Case File #4609-98 w/Microfiche Service Record

1. The following recommendation concerning enclosure (1) is forwarded for your consideration on the petitioner's request for Temporary Early Retirement Authority (TERA) because he was not aware or allowed to submit a request prior to his separation 26 January 1998.

2. The FY98 TERA program implemented on 24 October 1997 by NAVADMIN 251/97, reference (a), offered early retirement at a reduced monthly payment rate to enlisted sailors in eligible ratings that had at least 15, but less than 20 years of active service. Applications for TERA retirements were accepted from the DTG of the NAVADMIN until 31 July 1997.

3. N130G cannot recommend relief for the petitioner. At the time of his separation on 20 January 1998 sailors in the AMS rating were not eligible for the TERA program and the petitioner had only 14 years 10 months and 19 days active duty service.


L. A. LESTER

Head, Retired, Reserve and
Medical Pay Section (N130G)